

USER'S GUIDE

Variances

- **What is a Variance?**

The variance procedure is intended to provide a means by which relief can be granted from unforeseen particular applications of this Resolution that create practical difficulties or particular hardships. The Board of Zoning Appeals is authorized only, to vary the yard and bulk requirements, to reduce the number of off-street parking spaces required for a new use by not more than 25% or loading spaces by not more than 1 space. When a variance is requested due to the change of use or increase in intensity of an existing structure, the number of off-street parking and loading spaces may be further varied.

- **What are the Standards for Variances?**

No variance shall be granted that is greater than the minimum necessary to relieve the hardship or practical difficulty. The requested variance must satisfy each of the following standards:

- (a) is a unique physical condition
- (b) is not self-created
- (c) would deny substantial rights
- (d) is not merely a special privilege
- (e) must be in harmony with the Resolution
- (f) would not result in a use or development on the subject property that:
 - 1) would be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development value of property or improvements permitted in the vicinity;
 - 2) would materially impair an adequate supply of light due to adverse location of shadow to the properties and improvements in the vicinity;
 - 3) would substantially increase hazardous conditions in the public streets due to traffic or parking;
 - 4) would unduly increase the danger of flood or fire;
 - 5) would unduly tax public utilities and facilities in the area; or
 - 6) would endanger the public health or safety.

- **How do I apply for a Variance?**

A variance may be applied for only after a Zoning Plans Examiner has refused to issue a Zoning Certificate. The Plans Examiner, specifying the section(s) of the Zoning Resolution that are at issue, will issue a letter of refusal. Following the issuance of a refusal the application for a variance shall be accompanied by site plans, structural details and additional information as outlined in the attached checklist. The completed application packet and application fee shall be filed directly with the Board of Zoning Appeals. You may schedule an appointment with the Administrator of the Board if you have questions or wish to further discuss details of a case prior to submission. Requests for variance of a yard, bulk or parking standard must be clearly stated in the letter of application as submitted to the Board. If filing with the Board of Zoning Appeals for a conditional use, compatible non-conforming use or some similar application request, your variance request shall be filed at the same time and will require additional fees.

- **Processing Procedures for a variance:**

Minimum processing time for a Variance is typically 62 days.

1. Within 5 days after filing a complete application, the BZA Administrator sets a public hearing for between 30 and 62 days from that date.
2. The BZA Administrator sends notice of the public hearing at least 10 days prior to such hearing to the applicant, Township and property owners within 200 ft. A legal advertisement is published in a local county newspaper.
3. BZA takes action within 30 days after public hearing.
4. If application approved:
 - a) Zoning Plans Examiner issues Zoning Certificate (Variance). Upon issuance, the Zoning Certificate is valid for a period no longer than six months unless a building permit has been issued or BZA has granted a time extension.
 - b) Applicant applies to the Building Department for a Building Permit when required.
5. When the development is complete a Final Zoning Inspection will be made and a Final Zoning Inspection Certificate will be issued.

HAMILTON COUNTY BOARD OF ZONING APPEALS

County Administration Building
138 E. Court Street, Room 804
Cincinnati, Ohio 45202
513-946-4502

CHECKLIST FOR FILING A VARIANCE APPLICATION

Applications for a variance shall be **filed in person** with the Board of Zoning Appeals. A legal notice will be prepared by the Board of Zoning Appeals and placed in a newspaper of general circulation in the county two weeks prior to the public hearing. *The applicant will receive the bill for said legal notice.* The Board will also prepare, for the applicant, a typewritten list of names and complete addresses of the property owners of all lots and lands located within 200' of the property requesting the appeal. Said list will be prepared from the County Auditor's current tax list. *The office of the Board will execute all forms, including individual and legal notices, necessary for the processing of an application.*

Hearings are held by the Board of Zoning Appeals in Room 805 of the County Administration Building, located at 138 East Court Street, Cincinnati, Ohio 45202

All complete applications shall include the following information. *Please submit this checklist with your application.*

1. THE LETTER (Please provide 1 copy)

An explicit typewritten statement addressed to the Board of Zoning Appeals, setting forth the following:

- _____ The location and size of the property
- _____ A clear and accurate description of the proposed construction or use of the property.
- _____ Specific sections of the zoning resolution in question, or from which the appellant is requesting a variance or relief.
- _____ State clearly any fact, hardship or other pertinent information believed to support the variance sought or recommended.

2. THE SITE PLAN (Please provide 14 copies)

The site plan shall be drawn to scale of not less than 1 inch equals 50' and shall contain the following information.

- _____ Surveyor's Seal (*Required for all new dwellings, residential additions over 600 sq. ft., residential additions less than 10' from a property line and all commercial buildings.*)
- _____ Name of person(s) preparing the plan
- _____ Title, name of owner & name of builder
- _____ North Arrow (North to top of plan)
- _____ Property lines, property dimensions, street name(s), site size
- _____ Existing and proposed buildings & other structures
- _____ Distance from structures to property lines

- _____ Paving, parking areas, driveways, walks etc.
- _____ Parking space, aisle & drive dimensions & parking analysis
- _____ Identify land uses on parcels adjoining the proposed site
- _____ Streetscape & boundary buffer yards & interior landscape areas (When Applicable)
- _____ Existing & proposed grades
- _____ Easements & purpose of easements

Note: Modification or changes to the plats and or plans approved by the Board are subject to review by the Board and a new case could be required by the Board or the Board's Administrator.

3. THE LANDSCAPE, LIGHTING AND SIGN PLAN (Please provide 14 copies)

The landscape plan shall be drawn to scale of not less than 1 inch equals 50' and shall contain the following information. A landscape plan is not required for single family dwellings and similar uses not subject to buffering and landscape standards but when required for other uses shall contain the following information.

- _____ Landscape Architects Seal or plants selected from Appendix A-2 "Recommended Plant List"
- _____ Streetscape & Boundary buffer yard width & location
- _____ Interior landscape areas width & location
- _____ Detailed schedule of planting materials including type, caliper and location within each yard or area
- _____ Location of any exterior light fixtures or poles
- _____ Location of any existing and or proposed building or freestanding signs

4. THE STRUCTURAL DRAWING – Provide two (2) reduced sets of elevation drawings w/architectural treatments including lighting and detailed wall and freestanding sign drawings when applicable.

5. THE APPLICATIONS – Complete one (1) copy each of the attached BZA application forms.

6. THE FEE \$_____ + Legal Advertisement

An application fee is required when the appeal is filed. Contact the Board of Zoning Appeals at 946-4502 for additional information. (All fees are nonrefundable and must be made payable to the Board of Zoning Appeals.)

Checklist Prepared by: Name _____

Address _____

Phone _____

E-Mail _____

Date _____